

Order

**Michigan Supreme Court
Lansing, Michigan**

July 17, 2014

Robert P. Young, Jr.,
Chief Justice

149517 & (3)(4)

Michael F. Cavanagh
Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano,
Justices

In re:

ANONYMOUS JUDGE

SC: 149517
JTC: RFI No. 2013-20572

On order of the Court, the motion for immediate consideration and the petition for interim suspension are considered. The motion for immediate consideration is GRANTED. Apart from the question of whether an interim suspension should be imposed for the reasons stated in the petition, it appears from the record before this Court that a serious question as to the respondent's fitness to serve as a judge has been raised, including whether the respondent poses a threat to the respondent or others.

It is therefore ORDERED that this matter is REMANDED to the Judicial Tenure Commission to determine whether the respondent suffers from any psychiatric disorders and whether the respondent is fit to serve as a judge. The Judicial Tenure Commission is directed to schedule an independent medical examination for the respondent with a psychiatrist of the Commission's choice. That examination shall be conducted within 30 days of the date of this order. The independent medical examiner shall conduct such examinations of the respondent as the independent medical examiner deems appropriate in light of the respondent's December 20, 2013 correspondence to the U.S. Attorney, and any other materials provided by the Commission. The independent medical examiner shall determine whether the respondent suffers from any psychiatric disorders and, in light of the Canons of Judicial Conduct, whether the respondent lacks the requisite fitness to serve as a judge. The respondent shall cooperate with the independent medical examiner and provide such information as the independent medical examiner shall reasonably request. The independent medical examiner shall provide any diagnosis or other explanation concerning the respondent's conduct that the independent medical examiner thinks relevant, including any recommendations the independent medical examiner believes that the Court ought consider to ensure that the respondent, if returned to office, will be able to manage those responsibilities in a fashion consistent with the respondent's ethical duties as a judge, and whether the respondent poses a threat to the respondent or others. The independent medical examiner shall report his or her

conclusions and recommendations to the Commission no later than two weeks after his or her examination, or by September 2, 2014, whichever is earlier. A copy of the independent medical examiner's report shall be provided to the respondent, who shall have an opportunity to comment thereon no later than September 16, 2014.

It is further ORDERED that the Judicial Tenure Commission shall, on receipt thereof, immediately forward under seal a copy of the independent medical examiner's report to the Clerk of this Court. If, based on the independent medical examiner's report or the respondent's failure to cooperate, the Judicial Tenure Commission desires to amend in any way its June 23, 2014 petition to this Court, it is directed to make such further recommendation to this Court no later than September 16, 2014. If the Judicial Tenure Commission makes such further recommendation, the respondent may file a brief in this Court no later than September 30, 2014. The Judicial Tenure Commission may file a brief in response no later than October 7, 2014.

The petition for interim suspension and the motion to seal Supreme Court file remain pending.



h0716

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

July 17, 2014

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Clerk